

**APPENDIX H**  
**PERTINENT FEDERAL AND STATE LAWS AND REGULATIONS**

## Appendix H

### Pertinent Federal and State Laws and Regulations

<p>Safe Drinking Water Act of 1974, 42 USC 300, et seq. National Primary Drinking Water Standards, 40 CFR 141</p>	<p>Establishes maximum contaminant levels (MCLs) and maximum contaminant level goals (MCLGs) that are drinking water criteria designed to protect human health from the potential adverse effects of contaminants in drinking water.</p>	<p>Ground water at the Site is not a current drinking water source, but it is considered a potential future source of drinking water. MCLs and MCLGs should be considered in establishing cleanup levels that are protective of ground-water, points of compliance, and institutional controls.</p>
<p>National Secondary Drinking Water Standards, 40 CFR 143</p>	<p>Establishes secondary drinking water standards for use in establishing cleanup levels.</p>	<p>Federal secondary standards are not enforceable standards and are not typically applicable or relevant and appropriate requirements; however, the State of Washington Model Toxics Control Act requires that these standards be considered in establishing cleanup levels protective of ground-water.</p>
<p>Clean Water Act of 1977, 33 USC 1251, as amended Water Quality Standards, 40 CFR 131</p>	<p>Establishes the requirements and procedures for states to develop and adopt water quality standards based on federal water quality criteria that are at least as stringent as the federal standards. Provides USEPA authority to review and approve state standards.</p>	<p>Applicable to the Site. Although Washington State has received USEPA approval and has adopted more stringent State standards under WAC 173-201A, the Federal regulation should be considered in establishing Site cleanup levels.</p>
<p>Resource Conservation and Recovery Act, 42 USC 6901, et seq. Criteria for Classification of Solid Waste Disposal Facilities and Practices, 40 CFR 257</p>	<p>Criteria specified under this standard are used to determine which solid waste disposal facilities and practices pose a reasonable possibility of adverse risk to human health and the environment.</p>	<p>Mining and ore beneficiation waste are exempted by the Bevel Amendment. Most of the provisions of this chapter have been delegated to the state. (See State Hazardous Waste Management Act.).</p>

Clean Air Act of 1977, as amended 42 USC 7401, et seq. National Ambient Air Quality Standards, 40 CFR 50	Requirements of these regulations are applicable to airborne releases of criteria pollutants specified under the statute. Specific release limits for particulates are set at 50 µg/m <sup>3</sup> annually or 150 µg/m <sup>3</sup> per 24-hour period.	Applicable to airborne releases of criteria pollutants that might be generated during response or cleanup actions. <b>Only applicable if the selected removal action includes air emissions.</b>
Ambient Air Quality Monitoring, 40 CFR 58 areas.	This regulation presents the criteria and requirements for ambient air quality monitoring and reporting for local air pollution control agencies and operators of new sources of air pollutants.	Applicable only to response and cleanup actions that meet the regulatory definition of a new source. Also, these requirements may be considered relevant and appropriate to response and cleanup actions that have the potential to emit air contaminants, even if they are not a new source. <b>Only applicable if the selected removal action includes air emissions.</b>
Standards of Performance for New Stationary Sources, 40 CFR 60	These requirements provide standards for new stationary or modifications of existing sources.	Applicable if assessment or response actions include stationary sources. <b>Only applicable if the selected removal action includes air emissions.</b>
National Emission Standard for Hazardous Air Pollutants (NESHAP), 40 CFR 61	40 CFR 61 provides general requirements for regulated facilities that generate air emissions containing hazardous substances. .	These requirements are applicable to response and cleanup actions that release air emissions containing hazardous substances. <b>Only applicable if the selected removal action includes air emissions.</b>
Hazardous Materials Transportation Act, 49 USC 1801, et seq. Hazardous Materials Regulation, 49 CFR 171	These requirements state that no person may offer to accept hazardous material for transportation in commerce unless the material is properly classed, described, packaged, marked, labeled, and in condition for shipment.	These requirements are applicable to hazardous material generated during response and cleanup actions, which is sent offsite for disposal.
Hazardous Materials Tables, Hazardous Materials Communications Requirements, and Emergency Response Information Requirements, 49 CFR 172	Tables are used to identify requirements for labeling, packaging, and transportation based on categories of waste types. Small quantities of radioactive wastes are not subject to the requirements of the standard if activity levels are below limits established in paragraph 173.421, 173.422, or 173.424. Specific performance requirements are established for packages used for shipping and transport of hazardous materials.	These requirements are applicable if hazardous materials are generated during response and cleanup actions that are transported offsite. In the event of a discharge of hazardous waste during transportation from the treatment facility to the disposal facility, this section is applicable.

National Pollution Discharge Elimination System, Clean Water Act, 33 U.S.C §1251 et seq., as amended by Water Quality Act of 1987, P.L. 100-4.	Permit program that controls water pollution by regulating point sources that discharge pollutants into waters of the United States. NPDES permits are typically administered by authorized states. EPA remains the permitting authority in a few states, territories, and on most tribal lands.	This permit process is required during removal construction activities if there might be a threat of a release (of sediment or hazardous materials) to surface water bodies.
Toxic Substances Control Act of 1976, 15 U.S.C § 2601 et seq.	This act provides EPA with the authority to require reporting, record-keeping, and restrictions related to chemical substances. TSCA addresses, in particular, the production, importation, use, and disposal of PCBs, among other specific chemicals. In regards to TSCA PCB cleanup, the management of that program is held by the Office of Solid Waste and Emergency Response.	This act is applicable to the Site in regards to disposal of PCB containing wastes.
Idaho Water Quality Standards, IDAPA 58.01.02	<p>These standards were developed by IDEQ as benchmarks that are used to measure the protection of surface water. These water quality standards must:</p> <ul style="list-style-type: none"> <li>• Provide, water quality for the protection and propagation of fish, shellfish, and wildlife, and recreation in and on the water.</li> <li>• Consider the use and value of state waters for public water supplies, propagation of fish and wildlife, recreation, agriculture and industrial purposes, and navigation.</li> </ul> <p>These standards were developed to meet the Clean Water Act.</p>	Requirements of these standards are applicable to the Site. Removal actions at the Site will be conducted pursuant to these standards.
Idaho Environmental Protection and Health Act, Title 39 Health and Safety, Chapter 1	This rule establishes the Department of Environmental Quality, the regulating environmental body in the State of Idaho. This rule provides for the protection of the environment and personal health of the people of the state. This law intends to prevent contamination of groundwater, air, and soil. The Department of Environmental Quality was established to protect human health and the environment, to enforce environmental laws, to develop programs for pollution prevention, and assist in compliance.	The Site must comply with all state regulations imposed by this act.

Idaho Hazardous Waste Management Act, 1983, Title 39 Health and Safety, Chapter 44	Rules necessary for the management of the generation, collection, transportation, treatment, storage, and disposal of hazardous wastes within the state of Idaho. Also regulates people who produce, burn, distribute, and market fuel containing hazardous waste.	Compliance with this rule will be mandatory during the transport of investigation derived waste from the Site for disposal, and in particular during the removal action.
Idaho Solid Waste Facilities Act, Title 39 Health and Safety, Chapter 74.	These standards establish requirements to be met for the management of solid waste, which complies with 40 CFR 258. In particular, this act defines the requirements of solid waste disposal facilities. Solid waste controlled by this Act includes garbage or refuse, sludge, water supply treatment plant, solid, semi-solid or gaseous material, industrial waste, construction waste, and ashes.	This act may not directly apply to the Site, but will apply to the facilities that accept solid waste from the Site.

CFR = Code of Federal Regulations

Ecology = Washington Department of Ecology

MCL = maximum contaminant level

MCLG = maximum contaminant level goal